

# FAMOUS TOBACCO TRUST CASES

To be Argued Next Week in the Supreme Court of the United States

## CASE OF THE GOVERNMENT PRESENTED

To that Court Yesterday by Attorney General Wickersham in a Printed Brief of 268 Pages—Facts Given which Show that the Combination Has Assets which Amount to About \$400,000,000.

Washington, Dec. 30.—In a printed brief of 268 pages Attorney General George W. Wickersham and his special assistant, J. C. McReynolds, today presented to the supreme court of the United States the case of the government in the famous tobacco trust cases, which will be argued next week in that court. The cases were argued in the United States circuit court for the southern district of New York, which after dismissing the petition as to foreign tobacco companies and some of the subordinate American companies adjudged the others to be parties to an unlawful conspiracy and enjoined them from continuing their operations and from engaging in interstate commerce.

**Attorney General's Position.**  
The attorney general takes the position that those findings, sweeping as they seem to have been, were not broad enough, and he asked the supreme court to so widen their scope as to take in the foreign companies and some individuals who were relieved from the operation of the verdict. Many other extensions of the judgment are also requested.

**What the Brief Shows.**  
After showing that in 1890 competition was free, the various coalitions are traced in the document, and facts are given to show that the combination has grown until its combined assets amount to \$400,000,000. It is asserted that the combination manufactures all the cigarettes for export and almost three-fourths of the smoking tobacco and of the cigarettes for domestic sale, more than three-fourths of the plug, twist and fine cut tobacco and almost all of the snuff and little cigars that are made. It is declared that "the defendants have persistently exercised duress, have practiced wicked and unfair methods, and used their power in oppressive ways." Further, it is asserted that they have been actuated by a fixed purpose to destroy competition and obtain monopolies. "Competitors have gradually disappeared and the combination, now strongly entrenched, unduly restricts the business of those in the trade and prevents the people from getting the best and cheapest goods."

**Independent Jobbing Destroyed.**  
Coming down to specific instances

### ROCK ISLAND'S RAPID RISE, REPORT OF COMMITTEE

Submitted to Stock Exchange Governors—The General Relief.

New York, Dec. 30.—A brief session of the governors of the stock exchange was held today to receive the report of the committee on the Rock Island situation. The committee, which was appointed to inquire into the circumstances attending the purchases and sales of Rock Island common on Monday morning, when the stock advanced amid much excitement from \$5.50 to \$1, and as suddenly receded again.

The special committee has taken the testimony of a number of brokers, has examined the various orders and members and has also listened to complaints from outsiders who were more or less affected by Rock Island's gyrations.

The committee's findings are submitted to the governors and the subject matter of the report will be acted upon by the governing committee on January 13, 1910.

Although the strictest reserve is being maintained by the committee and the governors, it is generally believed that the closing of the "Rock Island incident" will be accompanied by disciplinary measures.

### WIRELESS DISTRESS SIGNALS, PASSENGER LINER DRIFTING

Southern Pacific Steamer Excelsior Not Under Control.

Beaufort, N. C., Dec. 30.—The Southern Pacific line steamer Excelsior, Captain Birney, which sailed from New York Wednesday for New Orleans, is drifting about forty miles north of Diamond Shoals, lightship, showing the signal that she is not under control.

Beaufort, N. C., Dec. 30.—Word of the predicament of the Excelsior reached here late today in a message received at the naval wireless station here. It was probably from the Excelsior herself or from a passing steamer having a wireless apparatus. The Excelsior is thought to be in no immediate danger.

### \$5,000 RANSOM DEMANDED

For the Return of Kidnapped Little Alma Kellner.

Louisville, Ky., Dec. 30.—A letter was received today from some town in Ohio promising the return of kidnapped little Alma Kellner to her parents on payment of \$5,000 ransom. This is all the information the family will give out.

The girl disappeared December 8, and the demand for ransom received today, although it may not be genuine, brought with it the first real hope for her recovery.

Pittsburg, Dec. 30.—The police authorities of Greater Pittsburg deny that they received an appeal to assist in the work of recovering the alleged kidnappers of little Alma Kellner, the Louisville child, who was recently taken from her home December 8. But the police office inspectors for this district have been asked for assistance in tracing the writer of a letter said to have been received by the parents of the child today asking for \$5,000 ransom.

### Driven Out by Fire Into Zero Weather

New Haven, Conn., Dec. 30.—A score of women and children were driven out into the zero weather today when a ten-family Italian tenement house here taking fire had its interior practically burned out. The loss is estimated at about \$5,000. How the fire started is not known.

### Nine of the Crew Drowned.

Fayal, Dec. 30.—Nine of the crew of the Portuguese bark Fortuna were drowned in the storm which has been ravaging the Atlantic in the past ten days. She was bound from New Orleans to Oporto and was towed into this port today totally disabled with her engines smashed away and half her crew lost.

## Cabled Paragraphs

Paris, Dec. 30.—The reports that M. Fallieres, president of France, was ill and that a specialist had been called in to examine him are given today by the fact that the president today is hunting with friends at Rambouillet.

Liverpool, Dec. 30.—The fire which originated among bales of cotton in the hold of the White Star liner Celtic when the steamer was at sea December 22, was extinguished today. The vessel was not damaged.

London, Dec. 30.—Baron MacNaghten, ex-lord of appeal in ordinary, mentioned today in the House of Lords by Lord Edward to investigate the respective cases of the United States and Great Britain in the Alcop claim dispute, of which his majesty is the arbitrator. Chilian Minister Gana is busily engaged in the preparation of his country's brief.

## SCHOOLS ARE NOT INTENDED TO BE RIVALS OF THE SHOP.

Don't Try to Make the Boy a Finished Workman.

New York, Dec. 30.—"Don't try to make the boy a finished workman," said President Schurman of Cornell in an address today before the members of the State Education Association. "The schools were not and are not intended to be rivals of the shop. Boys should be taught English, industrial drawing, mathematics and the elements of physics and chemistry, and along with this theoretical work there should be shops illustrating the industrial processes. Education is intended to develop the mind and character of the child; industrial training should come after. I am heartily in accord with the reports made by a committee of the National Federation of Labor on that subject, headed by Mr. John Mitchell. The conclusions of that committee agree with our experience at Cornell and are, I believe, the best ever made."

## EFFORT TO OUST THE AMERICAN SALVATION ARMY

New Trial Has Been Granted to Gen. William Booth.

New York, Dec. 30.—Gen. William Booth, the founder of the Salvation Army, was granted a new trial today in his effort to oust the American Salvation Army. The original suit, brought in 1907, went against General Booth, who asked for a permanent injunction forbidding the American army to use the manual and ritual of the Salvation Army and directing the members of the American army to surrender their uniforms and retire to private life. The supreme court dismissed the petition and the appellate division now reverses the supreme court.

## Absolved of Charges Made Against Him for Divorce.

New York, Dec. 30.—Commander Frederick L. Benton, a United States navy surgeon, formerly in charge of the Brooklyn navy yard hospital, was absolved of the charges made against him by his wife, Allie T. Benton, in a suit for absolute divorce, according to the report of Referee D. F. Cohan, filed today.

## Referee Cohan says in his report that there is no evidence to justify the charges and the co-respondent, Annie Grady, is likewise innocent.

## Intolerable Conditions in Oklahoma State Insane Asylum.

Guthrie, Okla., Dec. 30.—Intolerable conditions have been found at the state insane asylum here today, according to Miss Kate Barnard, state commissioner of charities and corrections, who submitted a special report to Governor Bristow. Last of the year, the conditions were so bad that the superintendent, unsanitary conditions, untrained nurses and attendants and instances of ill treatment of patients are reported.

## French Aeroplanists to Attempt to Lower 1909 Records.

Paris, Dec. 30.—The crack French aeroplanists are making desperate efforts to lower the highest point of distance and height before Saturday. Latham and Farman are both at Mourmelon le Grand, the former trying out a new motor, and the latter working on a new biplane. The latter view to making an attempt for the ten kilometre cross country, with passenger, prize tomorrow.

## President Frank B. Smith Dropped Dead.

Pittsburg, Dec. 30.—Frank B. Smith, president of the Crucible Steel company, one of the largest independent steel makers in the world, died here tonight. The cause of death was heart failure. He was 57 years old.

## Education Along Forestry Lines.

Washington, Dec. 30.—Professors of forestry, representing practically all the forestry schools in the United States, met here today with Gifford Pinchot, chief forester, for a discussion of plans to further education along forestry lines. The conference will continue tomorrow. Secretary Wilson welcomed the conferees on behalf of the department of agriculture and he was followed by Mr. Pinchot. The principal speakers at today's session included Prof. Henry S. Graves of Yale.

## Earth Shock at Portland, Ore.

Portland, Ore., Dec. 30.—A slight earth shock was felt here at 4:33 o'clock this afternoon.

## THAMES RIVER BRIDGE.

Hearing on Plans of New Haven Road for New One Will Be Held Next Month.

Col. Harry Taylor of the United States engineering corps has advertised a hearing on Jan. 14 on the plans of the new bridge across the Thames 110 feet north of the present bridge, containing a roller lift draw, opposite the east channel of the present bridge. There will be piers for four tracks. It is believed that the new bridge will be retained for highway purposes and to that a roller lift would have to be installed at a point to correspond with the new bridge.

## NEW YEAR'S AT Y. M. C. A.

Open House as Usual With Attractive Programme.

Arranging for the usual observance of New Year's at the Young Men's Christian association, there will be open house at the association, under the auspices of the Woman's auxiliary on New Year's night from 7.30 to 10 o'clock. No printed invitations have been sent out, but all members of the association, the auxiliary and their friends will be welcome.

A programme has been arranged to include readings by Miss Jennie Stanton, vocal solos by Mrs. Nelson Crowell Aldrich, torch swinging by Physical Director Bandlow, other gymnastic attractions, and refreshments. Mrs. Will L. Stearns, Mrs. H. H. Peck and Mrs. W. C. McKinnick are the committee of the auxiliary in charge.

## In the "Stockade" Recognizing

At Atlanta President Madriz

BARBAROUS CRUELITIES SAID TO BE PRACTICED THERE.

## WASHINGTON INTERESTED

In Probable Action of Mexico and the Central American States—Opinion of State Department Officials.

## WOMEN PRISONERS TORTURED

Hung Upon Cell Room Wall as Though Crucified—Girl Placed in Whipping Machine—City Council's Investigation

Atlanta, Ga., Dec. 30.—That white women were hung upon the wall of a cell room, as though crucified, with their arms and legs stretched out, and that prisoners were used to do work for private citizens were some of the things testified to today in the city council's investigation of the city prison, known as the "stockade."

## Charges of Inhuman Cruelties.

Charges have been made that the city prison, to which men and women convicted of misdemeanors and unable to pay a money fine are committed, is a filthy place, unworthy of holding even animals, that there has been graft and that barbarous cruelties are practiced there.

The grand jurors recently indicted Superintendent Vining and two guards for cruelty and made public a report which resulted in this investigation.

## Girl Hung Up by Wrists.

Ruby Galtier, a country girl, who said she was 19 years old, told how she was hung up by the wrists until she fainted. She saw other women similarly punished.

## Another in Whipping Machine.

One girl, Pearl Ryan, was put in the whipping machine for the slightest offense. The lash is a heavy leather strap with large rivets studded in its surface. The Ryan girl was so small that she slipped through the chain and the guards gave her the attempt to beat her. The investigation will continue tomorrow.

## City of San Francisco to Operate the Geary Street Railway.

San Francisco, Dec. 30.—By a vote of 2,465 votes over the necessary two-thirds majority, voters of San Francisco declared today for the municipal ownership and operation of the Geary street railway and its extension on the east to the ferry building and on the west to the ocean shore. This proposal has been rejected three times in the last five years. The total vote polled was 43,081, the record vote for a special election. The figures stood 21,185 for the bonds and 11,894 against. The city would have to bond the city to the extent of \$2,020,000.

## Gasoline Boat Goes Down, Three Men Swam Ashore.

Crisfield, Md., Dec. 30.—In the midst of a storm, with the wind blowing hard and the snow falling thickly, the gasoline boat Orin, of Tangier, plying between Tangier and Crisfield, went down off Sandy Island. Two men and one passenger swam ashore and spent several hours tramping through the marshes in the heavy snow and ice from two to three feet deep before they reached this place, exhausted from exposure.

## Proposition to Settle Granite Labor Troubles Rejected.

Barre, Vt., Dec. 30.—A proposition submitted by the Granite Cutters' union to a committee of the Barre Granite Manufacturers' association, to settle the labor troubles that have made 4,500 men idle in the quarry here, was rejected by the manufacturers' committee today after a two hours' conference.

## Newspaper Man Appointed at \$6,000 a Year.

New York, Dec. 30.—Mayor-elect Gaynor announced tonight that he will appoint Robert Adamson, a newspaper man, to the position of city secretary, with a salary of \$6,000 a year. This is the first appointment announced thus far by the incoming mayor. Adamson is 37 years old and was born in Georgia.

## Cash Flax Touches Highest Point.

Minneapolis, Minn., Dec. 30.—Cash flax touched the highest point ever known on the floor of the chamber of commerce, when it went up to \$2.91-2. This is 31-2 cents higher than it was in Duluth, which is quoted there at \$2.60. The high price is due to the shortage of flax all over the world and particularly in the northwest.

## \$100,000 Fire at Newark.

Newark, Dec. 30.—Singed and frozen, firemen worked side by side tonight in extinguishing a fire in a building occupied by the Electrical Motor and Equipment company. Two smoke-belching and terrified women stenographers were rescued with difficulty. The property loss is estimated at \$100,000.

## Typhoid Cases at Montreal Gaining.

Montreal, Dec. 30.—This new case of typhoid fever, the third additional case from the disease were reported to the health authorities here today. An emergency meeting of the civic health committee has been called to formulate plans for combating the epidemic.

## B. & M. Machinists Ask Wage Increase

Boston, Dec. 30.—The machinists employed on the Boston & Maine railroad late today presented their wage increase requests to the officers of that road. The requests called for advances of from four to six cents an hour.

## Arms and Legs Frozen.

Schenectady, N. Y., Dec. 30.—With his arms and legs so badly frozen that doctors despair of saving them, Abel Stewart, a married farmer, living at Princeton, a hamlet a few miles from here, was found early this morning.

## \$50,000 Fire Loss at Syracuse.

Syracuse, N. Y., Dec. 31.—Fire which broke out this morning on the fifth floor of the eight story Snow building caused a loss estimated at \$50,000.

## Steamship Arrivals.

At Have: Dec. 30, La Provence, from New York.

At Venice: Dec. 30, Argentina, from New York via Naples.

## Hakka Bey Grand Vizier.

Constantinople, Dec. 30.—Hakka Bey, ambassador to Italy, has accepted the office of grand vizier.

## Hyland-Thompson Bout Off.

Kansas City, Dec. 30.—The contest between Fighting Dick Hyland and Cy-clope John Thompson, set for Jan. 10, has been called off.

## Recognizing President Madriz

SITUATION PRESENTS SOME DIPLOMATIC NICETIES.

Washington, Dec. 30.—The situation in Nicaragua presents some diplomatic niceties as regards the propriety of recognizing the government of Madriz by the Central American states. In the opinion of officials of the state department, President Madriz should receive no recognition on the part of Central American republics, beyond that which would be given the leader of a faction.

## Close Relations With Honduras.

Because of the close relations maintained by Zelaya with Honduras, it is expected that that government may be foremost in doing anything that will tend to strengthen the authority of Madriz, but there would be great surprise should such action be taken by Mexico without understanding with the United States.

## Madriz Elected by "Packed" Congress.

It is pointed out here that since the United States is the only government which has broken off official relations with Nicaragua, there would be no occasion for special recognition by the Central American republics were Madriz elected president under ordinary conditions, because diplomatic relations with the nation would be continued as usual. But inasmuch as Madriz merely headed one of two factions and was elected by what has been declared to be a "packed" congress, conditions should be stable in the opinion of the officials here before support is given him in the form of any recognition as president of the republic by other Central American governments.

## Foundationless Rumors.

Rumors that Admiral Kimball would be reprimanded for having called upon Madriz at Managua were denied by Assistant Secretary of State Wilson. Assistant Secretary of the Navy Winthrop characterized the rumors as being absolutely without foundation.

## NO OFFICIAL RECOGNITION BY MEXICAN GOVERNMENT.

Managua, Nicaragua, Dec. 30.—The Mexican government has in no way officially recognized Jose Madriz as president of Nicaragua. The telegrams which have passed between President Diaz and President Madriz were of a personal character. President Madriz himself does not construe them as a formal recognition of his incumbency. The presidential reception on Tuesday was attended by the official representatives of all nations except the United States, and the Nicaraguan administration does not see any formal official recognition from any country except the United States is necessary.

## Brigadier General Edwards, chief of the United States bureau of insular affairs, accidentally fell down an embankment at San Juan, Porto Rico, while inspecting a wall and was badly injured.

## A. N. Roe, National Legislative representative of the Brotherhood of Locomotive Engineers and Brotherhood of Railroad Trainmen, discussed legislation with the president.

## NOT A CENT MISSING FROM UNCLE SAM'S PURSE.

Count of Coins and Securities in U. S. Treasury Completed.

Washington, Dec. 30.—To count the coins and securities in the United States treasury it has taken a committee of four persons supervising from thirty to forty counting experts, almost two months. Upon the retirement of Charles H. Treat as treasurer, it became necessary that a counting of the contents of the treasury vaults should be made and the incoming treasurer, Lee McClung, should give a receipt for the valuable contents.

## A SANITARIUM BURNED.

White Plains, N. Y., Dec. 30.—Dr. King's sanitarium on North street, about two miles outside of the village limits, on the road to Mamaroneck, was burned to the ground this morning. There were only a few patients there, and all were got out safely. The sanitarium was for persons suffering from nervous disease and rheumatism. The building was an old farmhouse two and a half stories high, constructed of wood. It had been remodelled. Only a few pieces of furniture and some rugs were saved. The loss is estimated at about \$25,000. All the patients found shelter in neighboring houses.

## IT COST \$15,000,000.

New Manhattan Bridge Will Be Opened to Public Travel Today.

New York, Dec. 30.—The fourth link between Manhattan island and Brooklyn was fixed in place today at 11 o'clock and vehicle traffic tomorrow afternoon. Exclusive of condemnation expenses for land approaches the new Manhattan bridge, as it has been named, will have cost in all \$15,000,000. The dedication ceremonies will form one of the last official acts of Mayor McClellan, whose term expires with the year.

## No One Blamed for Error of Judgment.

Washington, Dec. 30.—Approval was given today by naval officials of the report of the board of inquiry concerning the collision between the battleships Georgia and Nebraska off the Virginia capes during the recent tactical drill. The report recommended that no disciplinary measures be taken as a result of the accident. The board held that the signal given to the battleships was subject reasonably to two interpretations and as this happened none of the officers was to blame for an error of judgment.

## Condensed Telegrams

The Annual Report of the United States geological survey was submitted.

The State of Texas Declines to be bound by Taft's decision as to what is whiskey.

Capt. John Mullan, formerly of the United States army, died at the age of 79 years.

Papers Touching the Negro Problem were read before the American Negro academy.

Wu Ting Fang, the retiring Chinese minister, sailed for Europe, saying he will return in 1909.

Twenty-seven Lines of Hiss were used in fighting a fire at 214-216 Sullivan street, New York.

Henry Wells of Toledo, O., who said he was too bashful to live, committed suicide by shooting himself.

John Ridgely Carter, new minister to Roumania, called at the state department to receive his instructions.

The British Government will establish wireless stations at points in all their possessions on the Pacific.

In His Annual Report Chief Constructor Caproni recommended increased dock facilities at the navy yards.

Colonel Roosevelt and the members of his staff, who are now at Katus, Uganda, are in good health.

Eleven Newfoundland Schooners and their crews of fifty men were lost, it is feared, in the Christmas blizzard.

The Suffragettes of Illinois are to send out theatrical companies to spread the doctrine of votes for women.

Colonel Hoyt Recommends a separate government for the country of Philippine and placing Moros on reservations.

Five Men Were Killed by the explosion of a boiler at the plant of the Metropolitan Electric company, West Reading, Pa.

Bessie M. Priest, aged 18 years, of Los Angeles, Cal., died of poison after dining with a rival for the hand of a son of a millionaire.

The Centenary of the Birth of William Ewart Gladstone was commemorated in England and in Greece, the Balkans and Armenia.

A Montreal Physician who claims to be a friend of Dr. Cook says the explorer is at one of the camps in the Lake St. John district.

Col. Walter Howe of the Coast artillery was made a brigadier general, succeeding Gen. W. S. Edgerly, who was placed on the retired list.

Dr. Joseph S. Neff of the health department of Chicago declares some physicians are practicing quackery to patients to increase their income.

The Interstate Commerce Commission recommended railroads for requiring ships to exhaust every resource before adjusting tariff claims.

Roy McKinney of Indianapolis, Ind., shot and killed Doris Chapin, a waitress, in the dining room of the Bears hotel, Peru, Ind., and then committed suicide.

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## Speaker Cannon in Washington

HAS BEEN IN ILLINOIS, WHERE HE ACTED AS SANTA CLAUS.

Washington, Dec. 30.—Speaker Cannon, laden with Christmas cigars, returned to Washington tonight, and will put in tomorrow at his office in the capitol outlining the work of the coming session. The speaker spent Christmas at his home in Danville, Ill., where he acted the role of Santa Claus for his grandchildren. Everyone who remembered him on the last holiday appeared to have been inspired with one idea, for his gifts were practically all cigars of varying brands and of equally varying excellence.

## CHRISTMAS CIGARS A-PLENTY

All of Varying Brands and Differing Degrees of Excellence Presented Him by Friends—in Good Health.

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## Brimming Over With Energy.

"Uncle Joe" declared himself in the best of health, and he looked it. His cheeks are ruddy and he was brimming over with energy when he swung off the capitol building and stepped into the waiting car.

The speaker spent Christmas at his home in Danville, Ill., where he acted the role of Santa Claus for his grandchildren. Everyone who remembered him on the last holiday appeared to have been inspired with one idea, for his gifts were practically all cigars of varying brands and of equally varying excellence.

## Declined to Talk Politics.

He declined to discuss politics with them, and when asked about his preparations for the coming session, he merely smiled. He smiled even more broadly when inquiry was made about his reported decision to relinquish the speakership.

The sarcastic manner in which his lips curled, however, convinced his friends that the rumor may not be taken seriously.

## DEATH OF RAY LAMPHERE.

Slayer of Mrs. Belle Gunness Died in Michigan Penitentiary.

Lapeere, Ind., Dec. 30.—Ray Lamphere, the slayer of Mrs. Belle Gunness and her children, died tonight of tuberculosis in the Michigan state penitentiary, where he was serving an indeterminate term for arson. Lamphere on April 25, 1908, set fire to the Gunness home near Lapeere, and incinerated the family. He had formerly been employed by Mrs. Gunness. Following the fire, the bodies of several persons who had been visiting the Gunnesses were unearthed